

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7143

BILL NUMBER: HB 1300

NOTE PREPARED: Jan 6, 2015

BILL AMENDED:

SUBJECT: Ordinances Relating to Building and Housing Laws.

FIRST AUTHOR: Rep. McMillin

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

Ordinances and Other Regulations: The bill specifies that an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:

- (1) must be submitted to the Fire Prevention and Building Safety Commission for review within 30 days of adoption by the political subdivision; and
- (2) is not effective until it is approved by the Commission.

It also establishes procedures for the Commission's program for review of adopted ordinances and other regulations.

Smoke Detectors: It removes language regarding ordinances concerning the installation, repair, and maintenance of smoke detectors.

Ordinances Concerning Landlords: The bill prohibits a county, municipality, or township from adopting or enforcing an ordinance that requires or would have the effect of requiring a landlord to participate in:

- (1) a Section 8 program of the federal Housing Act of 1937; or
- (2) a similar program concerning housing.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Summary* - The bill repeals an exception for submission to and approval of smoke detector ordinances by the Commission, increasing the number of ordinances that the

Commission will review. Additionally, the bill enacts procedures for the staff and Commission's review of ordinances, including setting out the deadlines for submissions, return of staff preliminary reviews, and procedures for notices, appeals, and approvals. These provisions potentially increase the workload of the Commission and the Department of Homeland Security (DHS) support staff. However, the bill's requirements are within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Additional Information - The Commission is scheduled to meet 12 times per year, and it reviews about 10 proposed nonresidential smoke detector fire safety ordinances per year. The DHS staff includes two code specialists, one attorney, one administrative law judge, and the partial use of one additional staffer.

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary* - The bill will have indeterminate fiscal impact on political subdivisions to submit an ordinance concerning fire safety or building laws, including smoke detector-related ordinances, within 30 days of its adoption. In certain circumstances, the bill provides for a Commission member to submit an adopted ordinance if the political subdivision does not submit its ordinance within 30 days. Currently, there is no time line for submission in the statute.

Explanation of Local Revenues:

State Agencies Affected: Department of Homeland Security, Fire Prevention and Building Safety Commission.

Local Agencies Affected: Political subdivisions.

Information Sources: Mara Snyder, Department of Homeland Security; <http://www.in.gov/dhs/2498.htm>

Fiscal Analyst: Karen Rossen, 317-234-2106, Chris Baker, 317-232-9851.